

108TH CONGRESS  
1ST SESSION

# H. R. 3491

To establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2003

Mr. LEWIS of Georgia (for himself and Mr. KINGSTON) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committees on Transportation and Infrastructure and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To establish within the Smithsonian Institution the National Museum of African American History and Culture, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “National Museum of  
5       African American History and Culture Act”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that—

1           (1) since its founding, the United States has  
2           grown into a symbol of democracy and freedom  
3           around the world, and the legacy of African Ameri-  
4           cans is rooted in the very fabric of the democracy  
5           and freedom of the United States;

6           (2) there exists no national museum within the  
7           Smithsonian Institution that—

8                   (A) is devoted to the documentation of Af-  
9                   rican American life, art, history, and culture;  
10                  and

11                  (B) encompasses, on a national level—

12                           (i) the period of slavery;

13                           (ii) the era of Reconstruction;

14                           (iii) the Harlem renaissance;

15                           (iv) the civil rights movement; and

16                           (v) other periods associated with Afri-  
17                   can American life, art, history, and cul-  
18                   ture; and

19           (3) a National Museum of African American  
20           History and Culture would be dedicated to the col-  
21           lection, preservation, research, and exhibition of Af-  
22           rican American historical and cultural material re-  
23           flecting the breadth and depth of the experiences of  
24           individuals of African descent living in the United  
25           States.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) BOARD OF REGENTS.—The term “Board of  
4 Regents” means the Board of Regents of the Smith-  
5 sonian Institution.

6 (2) COUNCIL.—The term “Council” means the  
7 National Museum of African American History and  
8 Culture Council established by section 5.

9 (3) MUSEUM.—The term “Museum” means the  
10 National Museum of African American History and  
11 Culture established by section 4.

12 (4) SECRETARY.—The term “Secretary” means  
13 the Secretary of the Smithsonian Institution.

14 **SEC. 4. ESTABLISHMENT OF MUSEUM.**

15 (a) ESTABLISHMENT.—There is established within  
16 the Smithsonian Institution a museum to be known as the  
17 “National Museum of African American History and Cul-  
18 ture”.

19 (b) PURPOSE.—The purpose of the Museum shall be  
20 to provide for—

21 (1) the collection, study, and establishment of  
22 programs relating to African American life, art, his-  
23 tory, and culture that encompass—

24 (A) the period of slavery;

25 (B) the era of Reconstruction;

26 (C) the Harlem renaissance;

1 (D) the civil rights movement; and

2 (E) other periods of the African American  
3 diaspora;

4 (2) the creation and maintenance of permanent  
5 and temporary exhibits documenting the history of  
6 slavery in America and African American life, art,  
7 history, and culture during the periods referred to in  
8 paragraph (1);

9 (3) the collection and study of artifacts and  
10 documents relating to African American life, art,  
11 history, and culture; and

12 (4) collaboration between the Museum and  
13 other museums, historically black colleges and uni-  
14 versities, historical societies, educational institutions,  
15 and other organizations that promote the study or  
16 appreciation of African American life, art, history,  
17 or culture, including collaboration concerning—

18 (A) development of cooperative programs  
19 and exhibitions;

20 (B) identification, management, and care  
21 of collections; and

22 (C) training of museum professionals.

23 **SEC. 5. COUNCIL.**

24 (a) ESTABLISHMENT.—There is established within  
25 the Smithsonian Institution a council to be known as the

1 “National Museum of African American History and Cul-  
2 ture Council”.

3 (b) DUTIES.—

4 (1) IN GENERAL.—The Council shall—

5 (A) make recommendations to the Board  
6 of Regents concerning the planning, design, and  
7 construction of the Museum;

8 (B) advise and assist the Board of Regents  
9 on all matters relating to the administration,  
10 operation, maintenance, and preservation of the  
11 Museum;

12 (C) recommend annual operating budgets  
13 for the Museum to the Board of Regents;

14 (D) report annually to the Board of Re-  
15 gents on the acquisition, disposition, and dis-  
16 play of objects relating to African American  
17 life, art, history, and culture; and

18 (E) adopt bylaws for the operation of the  
19 Council.

20 (2) PRINCIPAL RESPONSIBILITIES.—The Coun-  
21 cil, subject to the general policies of the Board of  
22 Regents, shall have sole authority to—

23 (A) purchase, accept, borrow, and other-  
24 wise acquire artifacts for addition to the collec-  
25 tions of the Museum;

1 (B) loan, exchange, sell, and otherwise dis-  
2 pose of any part of the collections of the Mu-  
3 seum, but only if the funds generated by that  
4 disposition are used for additions to the collec-  
5 tions of the Museum; or

6 (C) specify criteria with respect to the use  
7 of the collections and resources of the Museum,  
8 including policies on programming, education,  
9 exhibitions, and research with respect to—

10 (i) the life, art, history, and culture of  
11 African Americans;

12 (ii) the role of African Americans in  
13 the history of the United States from the  
14 period of slavery to the present; and

15 (iii) the contributions of African  
16 Americans to society.

17 (3) OTHER RESPONSIBILITIES.—The Council,  
18 subject to the general policies of the Board of Re-  
19 gents, shall have authority—

20 (A) to provide for preservation, restoration,  
21 and maintenance of the collections of the Mu-  
22 seum; and

23 (B) to solicit, accept, use, and dispose of  
24 gifts, bequests, and devises of personal property

1           for the purpose of aiding and facilitating the  
2           work of the Museum.

3       (c) COMPOSITION AND APPOINTMENT.—

4           (1) IN GENERAL.—The Council shall be com-  
5       posed of 19 voting members as provided under para-  
6       graph (2).

7           (2) VOTING MEMBERS.—The Council shall in-  
8       clude the following voting members:

9           (A) The Secretary of the Smithsonian In-  
10       stitution.

11          (B) 1 member of the Board of Regents,  
12       appointed by the Board of Regents.

13          (C) 17 individuals appointed by the Board  
14       of Regents—

15           (i) taking into consideration individ-  
16       uals recommended by organizations and  
17       entities that are committed to the advance-  
18       ment of knowledge of African American  
19       life, art, history, and culture; and

20           (ii) taking into consideration individ-  
21       uals recommended by the members of the  
22       Council.

23          (3) INITIAL APPOINTMENTS.—The Board of  
24       Regents shall make initial appointments to the

1 Council under paragraph (2) not later than 180  
2 days after the date of enactment of this Act.

3 (d) TERMS.—

4 (1) IN GENERAL.—Except as provided in this  
5 subsection, each appointed member of the Council  
6 shall be appointed for a term of 3 years.

7 (2) INITIAL APPOINTEES.—As designated by  
8 the Board of Regents at the time of appointment, of  
9 the voting members first appointed under subpara-  
10 graph (C) of subsection (c)(2)—

11 (A) 6 members shall be appointed for a  
12 term of 1 year;

13 (B) 6 members shall be appointed for a  
14 term of 2 years; and

15 (C) 5 members shall be appointed for a  
16 term of 3 years.

17 (3) REAPPOINTMENT.—A member of the Coun-  
18 cil may be reappointed, except that no individual  
19 may serve on the Council for a total of more than  
20 2 terms. For purposes of this paragraph, the num-  
21 ber of terms an individual serves on the Council  
22 shall not include any portion of a term for which an  
23 individual is appointed to fill a vacancy under para-  
24 graph (4)(B).

25 (4) VACANCIES.—



1 (A) IN GENERAL.—A vacancy on the  
2 Council—

3 (i) shall not affect the powers of the  
4 Council; and

5 (ii) shall be filled in the same manner  
6 as the original appointment was made.

7 (B) TERM.—Any member of the Council  
8 appointed to fill a vacancy occurring before the  
9 expiration of the term for which the member's  
10 predecessor was appointed shall be appointed  
11 for the remainder of that term.

12 (e) COMPENSATION.—

13 (1) IN GENERAL.—Except as provided in para-  
14 graph (2), a member of the Council shall serve with-  
15 out pay.

16 (2) TRAVEL EXPENSES.—A member of the  
17 Council shall be allowed travel expenses, including  
18 per diem in lieu of subsistence, at rates authorized  
19 for an employee of an agency under subchapter I of  
20 chapter 57 of title 5, United States Code, while  
21 away from the home or regular place of business of  
22 the member in the performance of the duties of the  
23 Council.

1 (f) CHAIRPERSON.—By a majority vote of its voting  
2 members, the Council shall elect a chairperson from its  
3 members.

4 (g) MEETINGS.—

5 (1) IN GENERAL.—The Council shall meet at  
6 the call of the chairperson or on the written request  
7 of a majority of the voting members of the Council,  
8 but not fewer than twice each year.

9 (2) INITIAL MEETINGS.—During the 1-year pe-  
10 riod beginning on the date of the first meeting of the  
11 Council, the Council shall meet not fewer than 4  
12 times for the purpose of carrying out the duties of  
13 the Council under this Act.

14 (h) QUORUM.—A majority of the voting members of  
15 the Council holding office shall constitute a quorum for  
16 the purpose of conducting business, but a lesser number  
17 may receive information on behalf of the Council.

18 **SEC. 6. DIRECTOR AND STAFF OF THE MUSEUM.**

19 (a) DIRECTOR.—

20 (1) IN GENERAL.—The Museum shall have a  
21 Director who shall be appointed by the Secretary,  
22 taking into consideration individuals recommended  
23 by the Council.

1           (2) DUTIES.—The Director shall manage the  
2       Museum subject to the policies of the Board of Re-  
3       gents.

4           (b) STAFF.—The Secretary may appoint 2 additional  
5       employees to serve under the Director, except that such  
6       additional employees may be appointed without regard to  
7       the provisions of title 5, United States Code, governing  
8       appointments in the competitive service.

9           (c) PAY.—The employees appointed by the Secretary  
10      under subsection (b) may be paid without regard to the  
11      provisions of chapter 51 and subchapter III of chapter 53  
12      of title 5, United States Code, relating to classification  
13      of positions and General Schedule pay rates.

14   **SEC. 7. EDUCATIONAL AND LIAISON PROGRAMS.**

15           (a) IN GENERAL.—

16               (1) PROGRAMS AUTHORIZED.—The Director of  
17      the Museum may carry out educational and liaison  
18      programs in support of the goals of the Museum.

19               (2) SPECIFIC ACTIVITIES DESCRIBED.—In car-  
20      rying out this section, the Director shall—

21                   (A) carry out educational programs relat-  
22                   ing to African American life, art, history, and  
23                   culture, including—

24                           (i) programs using digital, electronic,  
25                           and interactive technologies; and

1 (ii) programs carried out in collabora-  
2 tion with elementary schools, secondary  
3 schools, and postsecondary schools; and

4 (B) consult with the Director of the Insti-  
5 tute of Museum and Library Services con-  
6 cerning the grant and scholarship programs  
7 carried out under subsection (b).

8 (b) GRANT AND SCHOLARSHIP PROGRAMS.—

9 (1) IN GENERAL.—In consultation with the  
10 Council and the Director of the Museum, the Direc-  
11 tor of the Institute of Museum and Library Services  
12 shall establish—

13 (A) a grant program with the purpose of  
14 improving operations, care of collections, and  
15 development of professional management at Af-  
16 rican American museums;

17 (B) a grant program with the purpose of  
18 providing internship and fellowship opportuni-  
19 ties at African American museums;

20 (C) a scholarship program with the pur-  
21 pose of assisting individuals who are pursuing  
22 careers or carrying out studies in the arts, hu-  
23 manities, and sciences in the study of African  
24 American life, art, history, and culture;

1 (D) in cooperation with other museums,  
2 historical societies, and educational institutions,  
3 a grant program with the purpose of promoting  
4 the understanding of modern-day practices of  
5 slavery throughout the world; and

6 (E) a grant program under which an Afri-  
7 can-American museum (including a nonprofit  
8 education organization the primary mission of  
9 which is to promote the study of African-Amer-  
10 ican diaspora) may use the funds provided  
11 under the grant to increase an endowment fund  
12 established by the museum (or organization) as  
13 of May 1, 2003, for the purposes of—

14 (i) enhancing educational program-  
15 ming; and

16 (ii) maintaining and operating trav-  
17 eling educational exhibits.

18 (2) AUTHORIZATION OF APPROPRIATIONS.—

19 There are authorized to be appropriated to the Di-  
20 rector of the Institute of Museum and Library Serv-  
21 ices to carry out this subsection—

22 (A) \$15,000,000 for fiscal year 2004; and

23 (B) such sums as are necessary for each  
24 fiscal year thereafter.

1 **SEC. 8. BUILDING FOR THE NATIONAL MUSEUM OF AFRI-**  
2 **CAN AMERICAN HISTORY AND CULTURE.**

3 (a) IN GENERAL.—

4 (1) LOCATION.—

5 (A) IN GENERAL.—Not later than 12  
6 months after the date of the enactment of this  
7 Act, the Board of Regents shall designate a site  
8 for the Museum.

9 (B) SITES FOR CONSIDERATION.—In des-  
10 ignating a site under subparagraph (A), the  
11 Board of Regents shall select from among the  
12 following sites in the District of Columbia:

13 (i) The Arts and Industries Building  
14 of the Smithsonian Institution, located on  
15 the National Mall at 900 Jefferson Drive,  
16 Southwest, Washington, District of Colum-  
17 bia.

18 (ii) The area bounded by Constitution  
19 Avenue, Madison Drive, and 14th and  
20 15th Streets, Northwest.

21 (iii) The site known as the “Liberty  
22 Loan site”, located on 14th Street South-  
23 west at the foot of the 14th Street Bridge.

24 (iv) The site known as the “Banneker  
25 Overlook site”, located on 10th Street

1 Southwest at the foot of the L'Enfant  
2 Plaza Promenade.

3 (C) AVAILABILITY OF SITE.—

4 (i) IN GENERAL.—A site described in  
5 subparagraph (B) shall remain available  
6 until the date on which the Board of Re-  
7 gents designates a site for the Museum  
8 under subparagraph (A).

9 (ii) TRANSFER TO SMITHSONIAN IN-  
10 STITUTION.—Except with respect to a site  
11 described in clause (i) of subparagraph  
12 (B), if the site designated for the Museum  
13 is in an area that is under the administra-  
14 tive jurisdiction of a Federal agency, as  
15 soon as practicable after the date on which  
16 the designation is made, the head of the  
17 Federal agency shall transfer to the Smith-  
18 sonian Institution administrative jurisdic-  
19 tion over the area.

20 (D) CONSULTATION.—The Board of Re-  
21 gents shall carry out its duties under this para-  
22 graph in consultation with the following:

23 (i) The Chair of the National Capital  
24 Planning Commission.

1 (ii) The Chair of the Commission on  
2 Fine Arts.

3 (iii) The Chair and Vice Chair of the  
4 Presidential Commission referred to in sec-  
5 tion 10.

6 (iv) The Chair of the Building and  
7 Site Subcommittee of the Presidential  
8 Commission referred to in section 10.

9 (v) The Chair and ranking minority  
10 member of each of the following Commit-  
11 tees:

12 (I) The Committee on Rules and  
13 Administration of the Senate.

14 (II) The Committee on House  
15 Administration of the House of Rep-  
16 resentatives.

17 (III) The Committee on Trans-  
18 portation and Infrastructure of the  
19 House of Representatives.

20 (IV) The Committee on Appro-  
21 priations of the House of Representa-  
22 tives.

23 (V) The Committee on Appro-  
24 priations of the Senate.



1           (2) CONSTRUCTION OF BUILDING.—The Board  
2       of Regents, in consultation with the Council, may  
3       plan, design, and construct a building for the Mu-  
4       seum, which shall be located at the site designated  
5       by the Board of Regents under this paragraph.

6           (3) NONAPPLICABILITY OF PROVISIONS RELAT-  
7       ING TO MONUMENTS AND COMMEMORATIVE  
8       WORKS.—Chapter 89 of title 40, United States  
9       Code, shall not apply with respect to the Museum.

10       (b) COST SHARING.—The Board of Regents shall  
11   pay—

12           (1) 50 percent of the costs of carrying out this  
13       section from Federal funds; and

14           (2) 50 percent of the costs of carrying out this  
15       section from non-Federal sources.

16       (c) AUTHORIZATION OF APPROPRIATIONS.—There  
17   are authorized to be appropriated such sums as are nec-  
18   essary to carry out this section.

19   **SEC. 9. CONGRESSIONAL BUDGET ACT COMPLIANCE.**

20       Authority under this Act to enter into contracts or  
21   to make payments shall be effective in any fiscal year only  
22   to the extent provided in advance in an appropriations  
23   Act, except as provided under section 11(b).

1 **SEC. 10. CONSIDERATION OF RECOMMENDATIONS OF**  
2 **PRESIDENTIAL COMMISSION.**

3 In carrying out their duties under this Act, the Coun-  
4 cil and the Board of Regents shall take into consideration  
5 the reports and plans submitted by the National Museum  
6 of African American History and Culture Plan for Action  
7 Presidential Commission under the National Museum of  
8 African American History and Culture Plan for Action  
9 Presidential Commission Act of 2001 (Public Law 107–  
10 106).

11 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—There are authorized to be appro-  
13 priated to the Smithsonian Institution to carry out this  
14 Act, other than sections 7(b) and 8—

15 (1) \$17,000,000 for fiscal year 2004; and

16 (2) such sums as are necessary for each fiscal  
17 year thereafter.

18 (b) AVAILABILITY.—Amounts made available under  
19 subsection (a) shall remain available until expended.

20 (c) USE OF FUNDS FOR FUNDRAISING.—Amounts  
21 appropriated pursuant to the authorization under this sec-  
22 tion may be used to conduct fundraising in support of the  
23 Museum from private sources.

○